

REMARKS

In response to the Office Action mailed July 24, 2006, Applicants amended claims 1 and 21. Claims 1-5, 21-22, and 25-32 are presented for examination.

Claims 1-5, 21-22, and 25-32 were rejected under 35 U.S.C. § 102(b) as being anticipated by Breault, U.S. Patent No. 4,017,663 ("Breault").

As amended, claims 1-5, 21-22, and 25-32 cover a composition that includes a first material resistant to oxidation up to about 3.0 Volts v. SHE, a catalyst and a non-electrolytic material, where the composition composes a single layer.

Breault does not disclose such compositions. Instead, Breault discloses a process in which a coated carbon paper is impregnated with a perfluorinated ethylene propylene copolymer followed by sintering, and then a catalyst-polymer layer is then applied to the impregnated carbon paper. (See, e.g., Breault, col. 2, line 54 through col. 3, line 9.) Thus, without conceding that Breault even discloses the three constituents required in the compositions covered by the pending claims, even if Breault did disclose these constituents, they would compose two different layers, rather than a single layer, as required by the claims. Applicants therefore request reconsideration and withdrawal of the rejection.

Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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